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 Z-MAN FISHING PRODUCTS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

APPLIED ELASTOMERICS,
 INCORPORATED, a California corporation

Plaintiff,

v.

Z-MAN FISHING PRODUCTS,
 INCORPORATED, a South Carolina
 corporation

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C062469 CW

STIPULATION REGARDING BRIEFING
 SCHEDULE; ~~PROPOSED~~ ORDER

Honorable Claudia Wilken

Trial Date: November 13, 2007

Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and
 Defendant and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through
 their respective attorneys and pursuant to the Court’s Local Rule 6-2, hereby stipulate as follows:

Whereas Z-Man filed its Second Amended Counter-Complaint on January 3, 2007.

Whereas counsel for Z-Man and AEI meet and conferred about a briefing schedule related
 to a motion to dismiss that AEI planned to file in response to Z-Man’s Second Amended Counter-
 Complaint which resulted in an agreed upon schedule to accommodate AEI’s counsel scheduling
 conflicts that was incorporated into the parties’ December 20, 2006 Stipulation Regarding
 Briefing Schedule.

1 Whereas the parties' December 20, 2006 Stipulation Regarding Briefing Schedule was
2 granted by the Court on December 22, 2006 and it provided that Z-Man's opposition to AEI's
3 motion to dismiss would be filed on or before January 19, 2007 with AEI's reply being due on
4 January 26, 2006.

5 Whereas AEI filed a motion to dismiss Z-Man's Second Amended Counter-Complaint on
6 January 5, 2007 with a noticed hearing date of February 16, 2007.

7 Whereas Z-Man Filed a motion for leave to amend its Answer with a hearing date of
8 February 16, 2007.

9 Whereas Z-Man did not file its opposition to AEI's motion schedule on January 19, 2007
10 because of a calendaring error that involved the calculation of the opposition due date being the
11 usual 21 days from the scheduled February 16, 2007 hearing date provided for in Local Rule 7-
12 3(a) instead of by reference to the briefing schedule set forth in the parties' December 20, 2006
13 Stipulation Regarding Briefing Schedule.

14 Whereas AEI's counsel reminded Z-Man's counsel of the due date for its opposition to its
15 motion to dismiss on January 22, 2007 and counsel for the parties' counsel met and conferred on
16 January 23, 2007 concerning a resolution of the situation that would equitably address AEI's
17 counsel's scheduling issues.

18 Whereas the previous time modifications in this case include the following: 1) On April
19 27, 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to
20 respond to AEI's Complaint. 2) On September 28, 2006, pursuant to Z-Man's request, the parties
21 stipulated that the hearing date for the parties' pending motions (Z-Man's transfer motion and
22 AEI's motion to dismiss counterclaims) and the date of the parties' Case Management Conference
23 be rescheduled from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, the parties
24 stipulated that the hearing date for AEI's motion in response to Z-Man's First Amended
25 Complaint and motion for judgment on the pleadings or motion for partial summary judgment
26 concerning the payment of minimum royalties authorized by the Court during the Case
27 Management Conference would be February 2, 2007. 4) On December 20, 2006, the parties
28 stipulated that the hearing date for AEI's motion in response to Z-Man's Second Amended

1 Complaint would be February 16, 2007.

2 Whereas this stipulation will not have any affect on the schedule for the case.

3 IT IS HEREBY STIPULATED between AEI and Z-Man as follows:

4 1) The hearing date for both AEI's motion to dismiss the Second Amended Counter-
5 Complaint and Z-Man's motion for leave to file an amended answer shall be continued from
6 February 16, 2007 to March 2, 2007 at 10:00 a.m.

7 2) Z-Man's opposition to AEI's motion to dismiss shall be filed on or before January
8 26, 2007. AEI's reply thereto shall be filed on or before February 16, 2007.

9 3) AEI's opposition to Z-Man's motion for leave to file an amended answer shall be
10 filed on or before February 9, 2007. Z-Man's reply thereto shall be filed on or before February
11 16, 2007.

12 Dated: January 23, 2007

MORRISON & FOERSTER, LLP

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14 By: /S/ JILL NEIMAN
15 JILL NEIMAN
16 Attorneys for Plaintiff and Counter-Defendant
Applied Elastomerics, Inc.

17 Dated: January 23, 2007

DILLINGHAM & MURPHY

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19 By: /S/ MARK ROGERS
20 MARK J. ROGERS
21 Attorneys for Defendant and Counter-Complainant
Z-Man Fishing Products, Inc.

22 IT IS SO ORDERED.

23 Dated: 1/24/07

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25 HONORABLE CLAUDIA WILKEN
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